

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

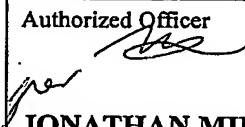
REC'D 08 MAR 2005

WIPO PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 035015	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001481	International Filing Date (day/month/year) 10 November 2003	Priority Date (day/month/year) 8 November 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 E04D 13/03		
Applicant FOOKS, Rodric Lindsay		

<ol style="list-style-type: none"> This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. This REPORT consists of a total of 5 sheets, including this cover sheet. <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheet(s).</p> This report contains indications relating to the following items: <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application
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Date of submission of the demand 8 June 2004	Date of completion of the report 23 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	<p>Authorized Officer </p> <p>JONATHAN MILLS Telephone No. (02) 6283 2113</p>

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001481

I Basis of the report

1. With regard to the elements of the international application:*
 - the international application as originally filed.
 - the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
 - the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
 - the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
 - the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:
 - the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 - the language of publication of the international application (under Rule 48.3(b)).
 - the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
 - contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/fig.
5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention**1. In response to the invitation to restrict or pay additional fees the applicant has:**

- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- complied with.
- not complied with for the following reasons:

Claims 1 and 2 have been found to lack novelty in light of many documents. Consequently the number of features introduced in the independent claims appended to these claims means that, A Posteriori, there are many separate inventions claimed. However the claims appear to broadly cover the following inventive concepts:

1. Claims 3-6,31-38 deal with flashing.
2. Claims 7-21 deal with frames, clips and hinges.
3. Claims 22-27 deal with ventilation.
4. Claims 28-30 deal with sealing strips.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to claims Nos.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 10,12,14,16,17,22-27	YES
	Claims 1-9,11,13,15,18-21,28-38	NO
Inventive step (IS)	Claims 10,12,14,16,17,22-27	YES
	Claims 1-9,11,13,15,18-21,28-38	NO
Industrial applicability (IA)	Claims 1-38	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 US 4930275 A (VERBY et al.) 5 June 1990
 D2 DE 3904174 A1 (HANDEL & MACK GMBH) 16 August 1990
 D3 EP 0277497 B1 (VEREINIGTE ALUMINIUMWERKE AG) 15 May 1991
 D4 US 4776141 A (POWELL) 11 October 1988
 D5 US 4928445 A (SAMPSON et al.) 29 May 1990
 D6 US 5207036 A (SAMPSON et al.) 4 May 1993
 D7 US 5553425 A (SAMPSON et al.) 10 September 1996
 D8 GB 1429675 A (BOGAERT) 24 March 1976
 D9 EP 0207723 B1 (WASCO PRODUCTS, INC.) 15 April 1992
 D10 WO 1998/22681 A1 (V. KANN RASMUSSEN INDUSTRI A/S) 28 May 1998
 D11 US 4862657 A (JENTOFT et al.) 5 September 1989
 D12 AU 89567/98 A (THIRTIETH ACOL PTY LTD TRADING AS STATEWIDE SKYLIGHTS) 20 May 1999
 D13 AU 77188/87 A (MITCHELL) 25 February 1988

Novelty (N): Claims 1-9,11,13,15,18-21,28-38

The invention defined in claims 1-3,5,9,11,13,15,35-38 is not novel when compared with prior art document D1 that discloses all the essential features of the invention claimed.

The invention defined in claims 1,2,6,31-34 is not novel when compared with prior art documents D2 and D3 that disclose all the essential features of the invention claimed.

The invention defined in claims 1,2,3,5 is not novel when compared with prior art document D4 that discloses all the essential features of the invention claimed.

The invention defined in claims 1-6,9,11,13,15,28-30 is not novel when compared with prior art document D5 that discloses all the essential features of the invention claimed.

The invention defined in claims 1-3,5,9,11,13,15,18-21,28-30 is not novel when compared with prior art document D6 that discloses all the essential features of the invention claimed.

The invention defined in claims 1-3,5,7,8,9,11,13,15 is not novel when compared with prior art document D7 that discloses all the essential features of the invention claimed.

The invention defined in claims 1,2,29,30 is not novel when compared with prior art document D8 that discloses all the essential features of the invention claimed.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of V

The invention defined in claims 1-6,9,11,13,15,35-38 is not novel when compared with prior art document D9 that discloses all the essential features of the invention claimed.

The invention defined in claims 1-3,5,9,11,13,15,28-30 is not novel when compared with prior art document D10 that discloses all the essential features of the invention claimed.

The invention defined in claims 1-3,5,7-9,11,13,15,18-21 is not novel when compared with prior art document D11 that discloses all the essential features of the invention claimed.

The invention defined in claims 1-3,35-38 is not novel when compared with prior art document D12 that discloses all the essential features of the invention claimed.

The invention defined in claims 1,22,23 is not novel when compared with prior art document D13 that discloses all the essential features of the invention claimed.

Inventive Step (IS): Claims 1-9,11,13,15,18-21,28-38

As for novelty.